

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mark Davidson

Serial No. 10/697,975

Group Art Unit: 1762

Confirmation No. 8976

Filed: October 31, 2003

Examiner: ABRAMOWITZ, HOWARD E

For: PVD Transfer Robot short Blade

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated June 21, 2005, having a shortened period for response set to expire on July 21, 2005, the following remarks are provided:

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group II, Claims 5-13 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicant Traverses the Requirement

Insofar as Groups I and III are concerned, it is believed that claims 1-4 and 14-20 are so closely related to elected claims 5-13 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at some later date.

The elected claims 5-13 are directed to a physical vapor deposition apparatus, which uses a blade. Claims 1-4 are directed to the blade, and claims 14-20 are directed to a method which uses the blade. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and apparatus claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the apparatus and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed,

moreover, that evaluation of all sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to applicant in having to protect the additional subject matter recited by the Groups I and III claims by filing one or more divisional applications.

III. Conclusion

Upon review of references involved in this field of technology, when considering that Group II is directed to a physical vapor deposition apparatus, which uses a blade, Group I is directed to the blade, and Group III is directed to a method using the blade and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial requirement for restriction, all of the pending claims should be examined in this subject application.

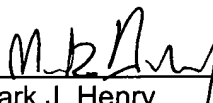
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 13 2005

By: 
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501